

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CHAD MCCUNE, et al.,

Plaintiff,

v.

**GRACO CHILDREN'S PRODUCTS,
INC., et al.,**

Defendant.

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CIVIL ACTION NO. 5:09-CV-107

O R D E R

A Final Pre-Trial Conference is scheduled for Monday, August 8, 2011, at 10:00 A.M.

The Court hereby **RESCHEDULES** the Final Pre-Trial Conference for **MONDAY, AUGUST 8, 2011, at 9:30 A.M.**

Before the Court are Plaintiffs' Motions in Limine (Dkt. Nos. 135-138, 143, 145, and 149) and Defendant's Motions in Limine (Dkt. Nos. 133-134, 139-142, 144, and 146-147).

These motions are hereby **SET** for hearing on **MONDAY, AUGUST 8, 2011, at 9:30 A.M.**

Each side shall have a total of **45 minutes** for argument. No party's presentation of or response to a motion in limine shall exceed **5 minutes**.

The parties should be prepared to address the issue of whether stipulations can be binding and whether, based on the stipulation, the Court can exclude evidence under Fed. R. Evid. 403. In particular, the Court calls the parties' attention to *Briggs v. Dalkon Shield*, 174 F.R.D. 369 (D. Md. 1997).

Furthermore, at the Pre-Trial Conference and Hearing held on July 18, 2011, the Court

cautioned the parties not to try the case on motions in limine. However, the parties have filed a total of 27 motions in limine, 18 of which were filed by Plaintiffs. Now that the parties have had the benefit of responses, replies, and sur-reply to the motions in limine, the parties are hereby **ORDERED** to **CONFER** prior to **MONDAY, AUGUST 8th**, and see if any of these motions in limine can be agreed upon or withdrawn.

IT IS SO ORDERED.

SIGNED this 4th day of August, 2011.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE